

# Criminal Code (as amended 2017) (excerpts)

## Criminal Code

*Last amended by Law on amendments to the Criminal and Criminal Procedure Codes of Ukraine in order to implement the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence from 6.12.2017 № 2227-VIII*

### **Article 67. Circumstances aggravating punishment**

1. For the purposes of imposing a punishment, the following circumstances shall be deemed to be aggravating:

(1), (2) ....

**(3) the commission of an offense based on racial, national or religious enmity and hostility, or on the ground of sex;**

(4) – (13) ...

2. Depending on the nature of an offense committed, a court may find any of the circumstances specified in paragraph 1 of this Article, other than those defined in subparagraphs 2, 6, 7, 9, 10, and 12, not to be aggravating, and should provide the reasons for this decision in its judgment.

3. When imposing a punishment, a court may not find any circumstances, other than those defined in paragraph 1 of this Article, to be aggravating.

4. If any of the aggravating circumstances is specified in an article of the Special Part of this Code as an element of an offense, that affects its treatment, a court shall not take it into consideration again as an aggravating circumstance when imposing a punishment.

(...)

### **Article 115. Murder**

1. Murder, that is willful unlawful causing death of another person, - shall be punishable by imprisonment for a term of seven to fifteen years.

2. Murder:

(1)-(13) ...

**(14) based on racial, national or religious intolerance.**- shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment with forfeiture of property in the case provided for by subparagraph 6 of paragraph 2 of this Article.

### **Article 121. Intended grievous bodily injury**

1. Intended grievous bodily injury, that is a willful bodily injury which is dangerous to life at the time of infliction, or resulted in a loss of any organ or its functions, or caused a mental disease or any other health disorder attended with a persisting loss of not less than one-third of working capability, or interruption of pregnancy, or permanent disfigurement of face, - shall be punishable by imprisonment for a term of five to eight years.

2. Intended grievous bodily injury committed by a method characterized by significant torture, or by a group of persons, and also for the purpose of intimidating the victim or other persons, **or based on racial, national and religious intolerance**, or committed as a contracted offense, or which caused

death of the victim, - shall be punishable by imprisonment for a term of seven to ten years.

#### **Article 122. Intended bodily injury of medium gravity**

1. Intended bodily injury of medium gravity, that is a willful bodily injury which is not dangerous to life and does not result in the consequences provided for by Article 121 of this Code, but which caused a lasting health disorder or a significant and persisting loss of not less than one-third of working capability, - shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to three years.
2. The same actions committed for the purpose of intimidating the victim or his/her relatives, or coercion to certain actions, **or based on racial, national or religious intolerance**, - shall be punishable by imprisonment for a term of three to five years.

#### **Article 126. Battery and torture**

1. Intended blows, battery or other violent acts which caused physical pain but no bodily injury, - shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 200 hours, or correctional labor for a term up to one year.
2. The same acts characterized by torture, committed by a group of persons or for the purpose of intimidating the victim or his relatives, **or based on racial, national or religious intolerance**, - shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

#### **Article 127. Torture**

1. Torture, that is an willful causing of severe physical pain or physical or mental suffering by way of battery, martyrizing or other violent actions for the purpose of inducing the victim or any other person to commit involuntary actions, including receiving from him/her or any other person information or confession, or for the purpose of punishing him/her or any other person for the actions committed by him/her or any other person or for committing of which he/she or any other person is suspected of, as well as for the purpose of intimidation and discrimination of him/her of other persons, - shall be punishable by imprisonment for a term of three to five years.
2. The same actions repeated or committed by a group of persons upon prior conspiracy, **or based on racial, national or religious intolerance**, - shall be punishable by imprisonment for a term of five to ten years.

#### **Article 129. Threat to kill**

1. Any threat to kill, if there was a reasonable cause to believe that this threat may be fulfilled, - shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to two years.
2. The same act committed by a member of an organized group **or based on racial, national or religious intolerance**, - shall be punishable by imprisonment for a term of three to five years.

## **Article 161. Violation of citizens' equality based on their race, nationality, religious preferences or disability**

1. Willful actions inciting national, racial or religious enmity and hatred, humiliation of national honor and dignity, or the insult of citizens' feelings in respect to their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, color of skin, political, religious and other convictions, disability sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics, - shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or restraint of liberty for a term up to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The **same actions accompanied with violence**, deception **or threats**, and also committed by an official, - shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term of two to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(...)